

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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DANIEL BRUTON,

Plaintiff,

v.

PRESTIGE TRAVEL, INC., d/b/a TripRes.com
and tripreservations.com,

Defendant.

Case No. 2:11-cv-02047-RFB-CWH

**ORDER DISMISSING CASE WITH
PREJUDICE**

This matter is before the Court on a motion to dismiss filed by Defendant Prestige Travel, Inc. ECF No. 26. Plaintiff filed the complaint in this case on December 20, 2011. ECF No. 1. On October 29, 2012, Defendant filed a notice of bankruptcy, and on July 8, 2013, the United States Bankruptcy Court for the District of Nevada entered its Order Confirming First Amended Chapter 11 Plan of Reorganization of Prestige Travel, Inc. ("Reorganization Plan"). ECF Nos. 23, 26 Ex. A.

In its motion, Defendant seeks dismissal of this case with prejudice because Plaintiff's claim was not included in the Reorganization Plan. In response, Plaintiff filed a notice of non-opposition to the motion to dismiss, in which he stated that he "consents to dismissal, with prejudice, of this action." Notice of Non-Opp'n at 1, Aug. 12, 2014, ECF No. 27.

Except for a joint stipulation or a voluntary dismissal filed before the defendant serves its answer, "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). The Court has reviewed the record in this case and finds it appropriate to grant Plaintiff's request to dismiss this case with prejudice, each party to bear its own fees and costs.

1 Accordingly,

2 **IT IS ORDERED** that Defendant Prestige Travel, Inc.'s Motion to Dismiss (ECF No.
3 26) is GRANTED.

4 **IT IS FURTHER ORDERED** that this action is DISMISSED WITH PREJUDICE.
5 Each party shall bear its own fees and costs.

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7 DATED this 26th day of March, 2015.



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RICHARD F. BOULWARE, II
United States District Judge